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AUTHOR Brynildson, Gerald
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ABSTRACT

The traditional approach to collective bargaining as a win/loss situation in the educational field adversely affects staff members' confidence, security, and morale. Typically, those involved in this form of negotiation see only two ways to negotiate: soft and hard. Neither approach proves satisfactory because the soft negotiator often ends up feeling exploited and bitter, while the hard liner, whose goal is total victory over fellow participants, can irreparably harm his or her relationship with the other side. Outlined in this document is a collective gaining model of negotiation, that does not eliminate bargaining conflict but rather makes the conflict more productive. Collective gaining is based on the assumptions that (1) a rational, open discussion using reasonable persuasion is the prefered means of managing conflict; (2) all involved share the common interest of improving education; (3) each member has a valuable contribution to make; (4) cooperation raises morale and productivity; (5) the chief weapons are truth, wisdom, and understanding; and (6) a creative solution will not compromise either side's principles. Collective gaining is a more difficult and intellectually demanding process than traditional bargaining, but it fosters fair participation and allows protection of negotiators from exploitation. The bulk of the document consists of illustrations which highlight many facets of the collective gaining model. A part of the FLEA negotiations council survey conducted in 1983-85, and general guidelines for negotiations developed by the Independent School District, Number 831, in Minnesota are attached. (KM)

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DEVELOPMENT AND IMPLEMENTATION OF A COLLECTIVE GAINING MODEL IN TEACHER NEGOTIATIONS.

Dr. Gerald Brynildson
Independent School District #831
Forest Lake, Minnesota 55025

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DEVELOPMENT AND IMPLEMENTATION OF A COLLECTIVE GAINING MODEL IN TEACHER NEGOTIATIONS

Dr. Gerald Brynildson

The past decade has been marked by budget cuts, personnel layoffs, adversary negotiations, strikes, assignment changes and other high stress/conflict situations in Independent School District #831. Staff confidence, security, trust and moral have been adversely affected; to the point that the frustration levels have seriously undermined district goals in the area of instruction as well as community support. Therefore a major goal for 1983-84 was to focus on providing a school/community environment that would improve organizational climate and personnel performance.

A plan of action was developed to address collective bargaining from a different prospective. The goal was to move the process from the old industry model of win/loss to a win/win system through non-adversarial bargaining using the cooperative model for dealing with conflict.

Negotiations is the process used when humans exchange ideas for the purpose of changing a relationship. This takes place every day, but it is not often done well. In todays world skill in negotiations is necessary and often a measure of the competency of organizational leaders. Traditional strategies for negotiations usually leave people dissatisfied, worn out or angry--and frequently all three.

Most find themselves in a dilemma. They see only two ways to negotiate: soft or hard. The soft negotiator wants to avoid conflict and readily makes concessions in order to reach agreement. The conflict may be managed for the time being, but the soft negotiator often ends up feeling exploited and bitter. The hard line negotiator sees every session as a contest of wills in which the side that takes the most extreme positions and stonewalls it will end up the winner. His goal is total victory over other participants who are to be

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distrusted and viewed as adversaries. This kind of negotiator often ends up being exhausted and has harmed his relationship with the other side. All other traditional negotiating strategies tend to fall between hard and soft, but each involves an attempted trade-off between getting what you want and getting along with people.

There is a better way to negotiate, a way neither hard nor soft, but rather both hard and soft. The method presented in this paper was developed after eighteen years of practice as a negotiator and extensive study of the literature in the field. I propose using a Collective Gaining Model that attempts to decide issues on their merits rather than power plays between adversaries. This model encourages mutual gains whenever possible, and where interests conflict, both sides insist that the resolution be based on some fair standard independent of will and power of either side. This method of negotiations is hard on merits, but soft on people. It employs no tricks and no bear dancing. Collective gaining shows you how to achieve what you need and still be decent. It enables you to be fair while protecting you against some who would take advantage of your fairness. You become an advocate for justice and not an advocate for victory or getting even. In hard nose win/loss bargaining the basic philosophy is "Do unto others and run." In collective gaining it is "Act so as to bring out the best in others, and thereby in oneself."

Win-Win - Collective Gaining Model

The "Collective Gaining Model" is based on different assumptions, more in line with work done in social psychology, the Harvard Negotiations Project and recent studies from the field of industrial relations. This model will not eliminate or prevent conflict, but rather make it more productive and less destructive. It is based on the following assumptions:

1. In a Democratic society, one is committed to rational, open

discussion and reasonable persuasion as the preferred means of managing conflict.

2. Staff members, administrators and board members are honorable people who sincerely wish to discharge their duties in a responsible manner and have a common interest in wanting to improve education.
3. Each has a unique and valuable contribution to make.
4. Cooperative problem solving raises the morale and productivity of both parties.
5. Chief weapons are truth, wisdom and understanding.
6. Essential strategy is to find creative solutions that will not compromise either side's principles. Both sides feel like they are gainers.

To work you must have a faith and trust in the system. You must believe it will work. You must set the tone and you must have a long range goal to move from the Collective Bargaining Model to a Collective Gaining Model. The process of collective gaining is more difficult and more demanding intellectually on all negotiators. It is easier to call your adversary names than to work at understanding him. In order to be effective in using this model, all members of the bargaining team need to understand certain principles regarding conflict management.

Conditions for Collective Gaining Model

1. Clear Perception

   1.1 Avoid mirror - imagery - negative image - holding similar but directly opposite views

   1.2 Avoid double standards - evaluated good when I do it, bad when you do it

1.3 Don't over simplify positions of others - my view totally good, humanitarian, etc.

1.4 Be aware of expectations and preconceptions

1.5 View participants as problem solvers

2. Cooperation Facilitates Communication

2.1 Induce cooperation - norm of fairness

2.2 Initial cooperation - provide motive for change by showing the difficulties outweigh the gains from being hostile

2.3 Separate the people from the problem

3. Must Build Trusting Climate

3.1 Behaving in trustworthy manner - self - fulfilling prophecy

3.2 Staff must feel there is a concern for their concerns

3.3 Be soft on people but hard on the problem

4. Power

4.1 Power is not lost through shared decision making

4.2 Power is not a limited quantity, nor does it have fixed perimeters

4.3 You do not lose power by sharing power - can gain power through delegation

4.4 Protect the power of the other negotiator

5. Responsibility and Power

5.1 Those who are responsible have power and should

5.2 Those who have power must be more responsible and will be

5.3 Power comes from knowledge, political and personnel influence

5.4 Power comes from those who wish to grant it to you

Marks of a Successful Negotiator

1. Views negotiations as a continuing process where no issue is forever

closed, even after agreements are reached and contract signed.

2. Has an open mind and will yield to principle but not pressure.
3. Is aware of his personal needs and equally of his opposer's needs.
4. Is flexible and able to establish mutual goals and interests.
5. Does not spend a lot of time trying to persuade his opposer that his views are wrong and should be changed.
6. Is able to present creative alternatives that will meet his opposer's needs.
7. Is cooperative because cooperation creates a mutuality of problem solving to achieve harmony.
8. Is competitive because competition can stimulate both sides to more efficient striving for mutually desired benefits.
9. Understands that manipulation of people is incompatible with the goal of harmony reached through a blend of cooperation and competition.
10. Seeks to reach his goals while simultaneously making a meaningful contribution to the goals of the organization and the society in which he lives.
11. His goal is a wise outcome reached efficiently and in an amiable manner.
12. Understands the need for building a trust relationship before conflict can be dealt with.

<u>How to Get to Cooperative Model</u>

1. In order to move from conflict - adversary model to collective gaining model, it is required that parties must take some risk as well as self disclose.

   This can not originate with the employee team, it must come from the management negotiator because you have the power and have less to

lose if you risk.

2. If either party goes back to the conflict model, you have to start over again.
3. How the conflict is defined will have an influence on behavior and attitude of other party.
4. Show the adversary that he will gain rather than suffer from the new orientation.
5. Cooperation must be conditional. Be very responsive to other's cooperative behavior but do not reward uncooperative behavior.
6. Don't reciprocate hostility nor allow it to be rewarding.
7. Much maturity is required of both parties in the cooperative model.
8. Listening and confronting skills of the highest order are required.

What if it Doesn't Work?

You haven't lost anything because you can always go back to the conflict model.

EXHIBIT #1

INDEPENDENT SCHOOL DISTRICT 831
Forest Lake, Minnesota
October 26, 1982

NEGOTIATIONS - GENERAL GUIDELINES

It is the public policy of Independent School District #831 to promote orderly and constructive relations between all employees and the School District, subject to the right of the citizens of this District to keep inviolate the guarantees for their health, education, safety and welfare.

The establishment of a sound staff relations climate is a prerequisite to successful collective bargaining. The School Board and its administration will give serious thought to its basic philosophy of negotiations with all employee groups and their representatives.

Its general policy shall be such as

- to provide the School District with a steady, ample, competent staff, fairly and adequately paid
- to permit the School District the flexibility it needs to manage efficiently
- to preserve the interests of the citizens and students
- to encourage employees, through effective communications, to identify with the School District's basic goals

This basic philosophy shall serve as the foundation for the School District labor relations policy.

EXHIBIT #2

FLEA NEGOTIATIONS COUNCIL SURVEY 1983-85

This survey is divided into four parts which deal with different aspects of the negotiations process. The responses to the first four or five questions in each part require you to answer with the following responses:

(1) Strongly Agree (2) Moderately Agree (3) No Opinion
(4) Moderately Disagree (5) Strongly Disagree

The last part of each section is to list the strengths and weaknesses of each of the parts. This will be done on the board and then recorded.

I. Structure

	Strongly Agree	Moderately Agree	No Opinion	Moderately Disagree	Strongly Disagree
	1	2	3	4	5
1. The cooperative bargaining model yields a higher settlement (dollars).	3	9	2	4	1
2. The cooperative bargaining model produces better language.	10	6	1	1	1
3. The cooperative bargaining model creates a better working environment.	12	6	0	0	0
4. The cooperative bargaining model was a good model to work under and should be tried again in the next bargaining session.	9	7	2	0	1

List the strengths and weaknesses of the cooperative bargaining model:

Strengths

a. More input

b. Better feelings toward employer - trust

c. Better working environment

d. Better climate for future

Weaknesses

a. Lack of unity

b. Take bigger risks

c. Hesitancy to bring up risky topics

d. Hesitancy to risk conflict vs. cooperation - come on too strong

MANAGING CONFLICT AT THE TABLE

- THERE MAY NOT BE A WIN/WIN WAY TO MANAGE EVERY CONFLICT
- A WIN/WIN MANNER REQUIRES THAT BOTH SIDES ARE SEEKING A WIN/WIN SITUATION
- DO NOT IGNORE CONFLICT, AVOIDING CONFLICT IS NOT THE SAME AS IGNORING CONFLICT
- CONFLICT IS BEST MANAGED ON A DAY TO DAY BASIS
- LOOK AT THE CONFLICT AS PRESENTED AND DO NOT GET SNOWED UNDER WITH THE UNDERLYING CAUSES
- BE MOST CONCERNED WITH THE HERE AND NOW
- NEGOTIATORS NEED TO SEE THEMSELVES AS POSITIVE MANAGERS OF CONFLICT

5 MODES FOR HANDLING DEMANDS

ASSERTIVE	COOPERATIVE
COMPETITIVE	
	ACCOMMODATING
AVOIDING	
COMPROMISING	
COLLABORATING	

DISTRICT CLIMATE FOR MANAGING CONFLICT

MARKS OF A SUCCESSFUL NEGOTIATOR

1. VIEWS NEGOTIATIONS AS A CONTINUING PROCESS WHERE NO ISSUE IS FOREVER CLOSED, EVEN AFTER AGREEMENTS ARE REACHED AND CONTRACT SIGNED.
2. HAS AN OPEN MIND AND WILL YIELD TO PRINCIPLE BUT NOT PRESSURE.
3. IS AWARE OF HIS/HER PERSONAL NEEDS AND EQUALLY OF HIS/HER OPPONENT'S NEEDS.
4. IS FLEXIBLE AND ABLE TO ESTABLISH MUTUAL GOALS AND INTERESTS.
5. DOES NOT SPEND A LOT OF TIME TRYING TO PERSUADE HIS/HER OPPONENT THAT HIS/HER VIEWS ARE WRONG AND SHOULD BE CHANGED.
6. IS ABLE TO PRESENT CREATIVE ALTERNATIVES THAT WILL MEET HIS/HER OPPONENT'S NEEDS.
7. IS COOPERATIVE BECAUSE COOPERATION CREATES A MUTUALITY OF PROBLEM SOLVING TO ACHIEVE HARMONY.
8. IS COMPETITIVE BECAUSE COMPETITION CAN STIMULATE BOTH SIDES TO MORE EFFICIENT STRIVING FOR MUTUALLY DESIRED BENEFITS.
9. UNDERSTANDS THAT MANIPULATION OF PEOPLE IS INCOMPATIBLE WITH THE GOAL OF HARMONY REACHED THROUGH A BLEND OF COOPERATION AND COMPETITION.
10. SEEKS TO REACH HIS/HER GOALS WHILE SIMULTANEOUSLY MAKING A MEANINGFUL CONTRIBUTION TO THE GOALS OF THE ORGANIZATION AND THE SOCIETY IN WHICH HE LIVES.
11. IS AWARE THAT HIS/HER GOAL IS A WISE OUTCOME REACHED EFFICIENTLY AND IN AN AMIABLE MANNER.
12. UNDERSTANDS THE NEED FOR BUILDING A TRUST RELATIONSHIP BEFORE CONFLICT CAN BE DEALT WITH.

HOW TO GET TO COOPERATIVE MODEL

1. In order to move from conflict - adversary model to collective gaining model, it is required that parties must take some risk as well as self disclose.

   This can not originate with the employee team, it must come from the management negotiator because you have the power and have less to lose if you risk.

2. If either party goes back to the conflict model, you have to start over again.

3. How the conflict is defined will have an influence on behavior and attitude of other party.

4. Show the adversary that he/she will gain rather than suffer from the new orientation.

5. Cooperation must be conditional. Be very responsive to other's cooperative behavior but do not reward uncooperative behavior.

6. Don't reciprocate hostility nor allow to to be rewarding.

7. Much maturity is required of both parties in the cooperative model.

8. Listening and confronting skills of the highest order are required.

WHAT IF IT DOESN'T WORK?

You haven't lost anything because you can always go back to the conflict model.

I. COOPERATIVE MODEL - COLLECTIVE GAINING

THE "COLLECTIVE GAINING MODEL" IS BASED ON DIFFERENT ASSUMPTIONS, MORE IN LINE WITH THE THINKING OF SOCIAL PSYCHOLOGIST, DEUTSCH, LOOMIS AND JOHNSON. THIS MODEL WILL NOT ELIMINATE OR PREVENT CONFLICT, BUT RATHER MAKE IT MORE PRODUCTIVE AND LESS DESTRUCTIVE. IT IS BASED ON THE FOLLOWING ASSUMPTIONS:

1. IN A DEMOCRATIC SOCIETY, ONE IS COMMITTED TO RATIONAL, OPEN DISCUSSION AND REASONABLE PERSUASION AS THE PREFERRED MEANS OF MANAGING CONFLICT.

2. STAFF MEMBERS, ADMINISTRATORS AND BOARD MEMBERS ARE HONORABLE PEOPLE WHO SINCERELY WISH TO DISCHARGE THEIR DUTIES IN A RESPONSIBLE MANNER AND HAVE A COMMON INTEREST IN WANTING TO IMPROVE EDUCATION.

3. EACH HAS A UNIQUE AND VALUABLE CONTRIBUTION TO MAKE.

4. COOPERATIVE PROBLEM SOLVING RAISES THE MORALE AND PRODUCTIVITY OF BOTH PARTIES.

5. CHIEF WEAPONS ARE TRUTH, WISDOM AND UNDERSTANDING.

6. ESSENTIAL STRATEGY IS TO FIND CREATIVE SOLUTIONS THAT WILL NOT COMPROMISE EITHER SIDE'S PRINCIPLES. BOTH SIDES FEEL LIKE THEY ARE GAINERS.

TO WORK YOU MUST HAVE A FAITH AND TRUST IN THE SYSTEM. YOU MUST BELIEVE IT WILL WORK. YOU MUST SET THE TONE AND YOU MUST HAVE A LONG RANGE GOAL TO MOVE FROM THE COLLECTIVE BARGAINING MODEL TO A COLLECTIVE GAINING MODEL. THE PROCESS OF COLLECTIVE GAINING IS MORE DIFFICULT AND MORE DEMANDING INTELLECTUALLY ON ALL NEGOTIATIONS. IT IS EASIER TO CALL YOUR ADVERSARY NAMES THAN TO WORK AT UNDERSTANDING HIM/HER. IN ORDER TO BE EFFECTIVE IN USING THIS MODEL, ALL MEMBERS OF THE BARGAINING TEAM NEED TO UNDERSTAND CERTAIN PRINCIPLES REGARDING CONFLICT MANAGEMENT.

CONDITIONS FOR COLLECTIVE GAINING MODEL

1. CLEAR PERCEPTION

   1.1 AVOID MIRROR - IMAGERY - NEGATIVE IMAGE - HOLDING SIMILAR BUT DIRECTLY OPPOSITE VIEWS

   1.2 AVOID DOUBLE STANDARDS - EVALUATED GOOD WHEN I DO IT, BAD WHEN YOU DO IT

   1.3 DON'T OVER SIMPLIFY POSITIONS OF OTHERS - MY VIEW TOTALLY GOOD, HUMANITARIAN, ETC.

   1.4 BE AWARE OF EXPECTATIONS AND PRECONCEPTIONS

   1.5 VIEW PARTICIPANTS AS PROBLEM SOLVERS

2. COOPERATION FACILITATES COMMUNICATION

   2.1 INDUCE COOPERATION - NORM OF FAIRNESS

   2.2 INITIAL COOPERATION - PROVIDE MOTIVE FOR CHANGE BY SHOWING THE DIFFICULTIES OUTWEIGH THE GAINS FROM BEING HOSTILE

   2.3 SEPARATE THE PEOPLE FROM THE PROBLEM

3. MUST BUILD TRUSTING CLIMATE

   3.1 BEHAVING IN TRUSTWORTHY MANNER - SELF - FULFILLING PROPHECY

   3.2 STAFF MUST FEEL THERE IS A CONCERN FOR THEIR CONCERNS

   3.3 BE SOFT ON PEOPLE BUT HARD ON THE PROBLEM

4. POWER

4.1 POWER IS NOT LOST THROUGH SHARED DECISION MAKING

4.2 POWER IS NOT A LIMITED QUANTITY, NOR DOES IT HAVE FIXED PARAMETERS

4.3 YOU DO NOT LOSE POWER BY SHARING POWER - CAN GAIN POWER THROUGH DELEGATION

4.4 PROTECT THE POWER OF THE OTHER NEGOTIATOR

5. RESPONSIBILITY AND POWER

5.1 THOSE WHO ARE RESPONSIBLE HAVE POWER AND SHOULD

5.2 THOSE WHO HAVE POWER MUST BE MORE RESPONSIBLE AND WILL BE

5.3 POWER COMES FROM KNOWLEDGE, POLITICAL AND PERSONNEL INFLUENCE

5.4 POWER COMES FROM THOSE WHO WISH TO GRANT IT TO YOU

NEGOTIATIONS - CONFLICT MODEL VS. COLLECTIVE GAINING MODEL

GERALD A. BRYNILDSON

MAJOR THEMES THAT WE WILL EXPLORE

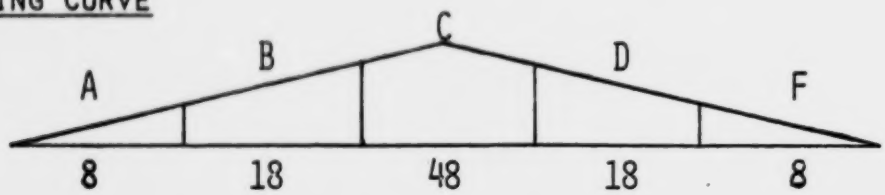
- CONTRASTING THE FEATURES, BENEFITS AND SHORTCOMINGS OF TRADITIONAL BARGAINING WITH THE COLLECTIVE GAINING MODEL;
- EXPLORING DIFFERENCES IN PERCEPTION AMONG MEMBERS OF BOTH TEAMS;
- BEING PURPOSIVE AND PROACTIVE RATHER THAN REACTIVE;
- DISTINGUISHING BETWEEN ISSUES OF PERCEPTION, EMOTION, COMMUNICATION AND THOSE OF SUBSTANCE;
- DETERMINING YOUR ADVERSARIES UNDERLYING NEEDS, INTERESTS AND CONCERNS;
- INVENTING OPTIONS WITH MERIT TO BOTH PARTIES;
- SETTING STANDARDS, INDEPENDENT OF THE WILL OF EITHER PARTY, BY WHICH TO JUDGE THE ISSUE;
- BEING TOUGH ON THE PROBLEMS, BUT SOFT ON PEOPLE

CONFLICT SOURCES, TYPES AND IMPACT IN OUR SOCIETY

- WIN/LOSS IS BUILT INTO OUR ECONOMIC SYSTEM AS WELL AS OUR SPORT SYSTEM

- WIN/LOSS IS BUILT INTO OUR EDUCATION SYSTEM

GRADING CURVE



- MOST CONFLICT IS BASED ON THE THEORY OF SCARCITY. WE ASSUME THAT WHAT WE WANT IS FOUND IN LIMITED ABUNDANCE.

CONFLICT

- HOW YOU FEEL ABOUT CONFLICT DETERMINES HOW YOU DEAL WITH IT. IS IS BAD OR GOOD?

- CAN YOU MAKE IT WORK FOR YOU?

- DO YOU NEED CONFLICT IN ORDER TO HAVE CHANGE AND GROWTH?

- ALL ORGANIZATIONS HAVE CONFLICT AND WE NEED TO LEARN HOW TO MANAGE CONFLICT NOT RESOLVE CONFLICT.

- CONFLICT CAN BE MANAGED IN A CONSTRUCTIVE WAY.

POSITIVE FUNCTIONS OF CONFLICT

- PREVENTS STAGNATION
- HELPS US MAINTAIN CONTACT WITH REALITY/HELPS US ADJUST TO REALITY
- MOTIVATES SOME PEOPLE
- PROVIDES MEDIUM FOR PROBLEM SOLVING
- HELPS SEPARATE PEOPLE INTO GROUPS
- HELPS ELIMINATE SOURCES OF DISSATISFACTION

NEGATIVE FUNCTIONS OF CONFLICT

- UPSETS MANY THINGS IN THE ORGANIZATION
- CREATES HIGH COST TO ORGANIZATIONS IN TIME AND ENERGY
- CAUSES HIGH LEVELS OF TENSION WHICH HURTS PRODUCTIVITY AND MORALE
- REDUCES JOB SATISFACTION

MODELS FOR NEGOTIATIONS

- Win/Loss - Win at any cost. Demand the moon. Many see the world like this.

  Hard Negotiations - Every session is a contest of wills. Goal is total victory.

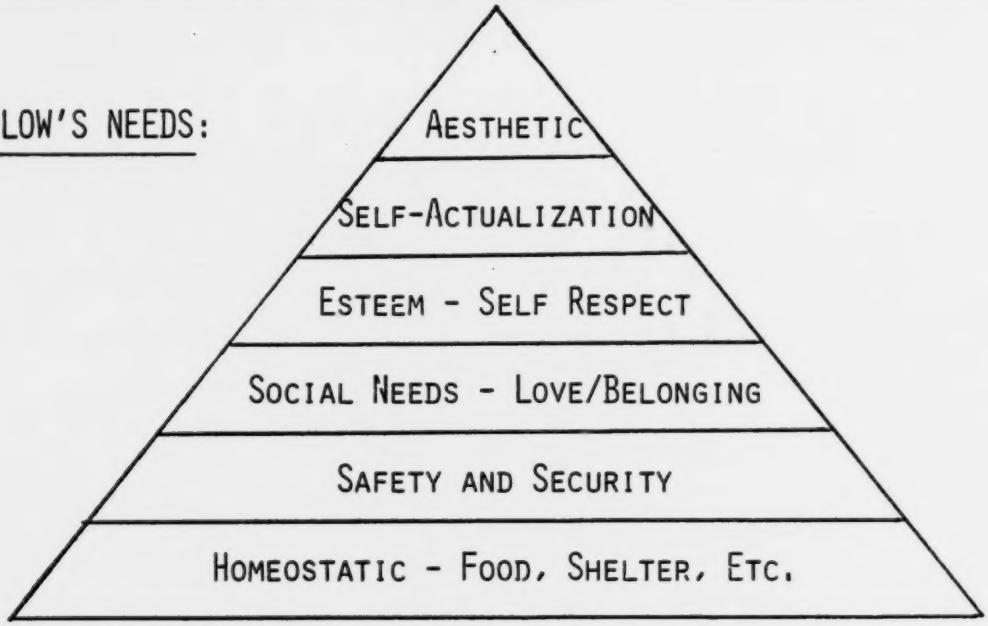
- Loss/Loss - Both are going to lose if I cannot win.

  Soft Negotiations - Avoids conflict at any cost and makes concessions without merit to get agreement. Ends in feelings of exploitation and anger. The relationship is destroyed and both parties may be losers.

- Win/Win - Collective Gaining is included with this model. Is neither hard nor soft but both hard and soft. Requires an integrated point of view where there is neither right nor wrong/both have honorable points of view. Each party works at understanding and respecting where the other is coming from.

ORGANIZATIONAL CONFLICT IS AN EXTENSION OF INDIVIDUAL CONFLICT

MASLOW'S NEEDS:



THE MORE BASIC THE NEEDS THE MORE FORCEFUL THE NEGOTIATIONS.

DIFFERENT PEOPLE HAVE DIFFERENT LEVELS OF NEEDS,

- SECURITY SEEKING PERSON WANTS A LOT OF STRUCTURE - LOWER NEED
- SELF-ACTUALIZING PERSON WANTS LITTLE STRUCTURE - HIGHER LEVEL

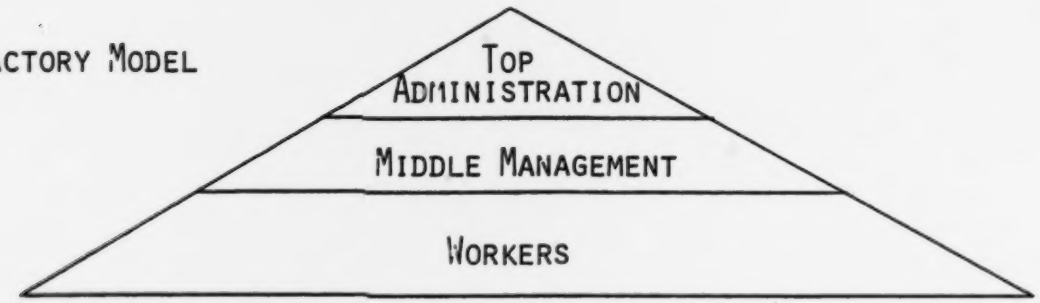
GOOD NEGOTIATORS NEED TO IDENTIFY THE LEVEL OF NEEDS OF THE PEOPLE BEING REPRESENTED.

EFFECTIVE NEGOTIATORS NEED STRONG LEADERSHIP QUALITIES.

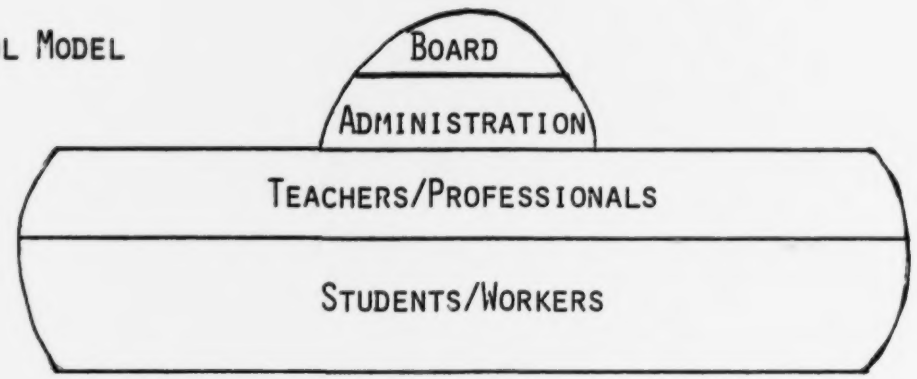
- CONCERN FOR PEOPLE
- STRUCTURE FOR GUIDANCE AND DIRECTION

ORGANIZATIONAL LEADERSHIP

FACTORY MODEL



SCHOOL MODEL



- SCHOOLS LOOK LIKE SUBS
- TEACHERS CALL A LOT MORE OF THE SHOTS THAN EMPLOYEES IN INDUSTRY
- STAFFS IN SCHOOLS AND HOSPITALS HAVE DIFFERENT RELATIONSHIPS THAN ARE FOUND IN THE PRIVATE SECTOR
- HOW YOU LEAD DEPENDS ON THE ORGANIZATIONAL IMAGE YOU POSSESS
- WE TEACH WHAT WE ARE

THEORY FOR ACTION

- ESPOUSED THEORY: MY EXPLANATION OR PREDICTION OF MY BEHAVIOR

- THEORY-IN-USE: MY "PROGRAM" THAT GUIDES WHATEVER IT IS I DO. HOW I ACT IN A REAL SITUATION.

THE MORE STRESSFUL THE SITUATION THE MORE LIKELY I WILL HAVE A GAP BETWEEN MY ESPOUSED BEHAVIOR AND MY THEORY-IN-USE.

MANY OF US ARE BLIND TO THE GAP BETWEEN THEORY-IN-USE AND ESPOUSED THEORY.

THEORY-IN-USE MODEL - USED BY SOME NEGOTIATORS

MODEL I

CORE VALUES	STRATEGIES	OUTCOMES
ACHIEVE MY PURPOSE SELF-PROTECTION	CONTROL WHAT IS IMPORTANT TO ME COMMUNICATE WHAT IS HELPFUL TO ME	PRIVATE TESTING SELF-SEALING SINGLE-LOOP LEARNING

SELF-SEALING PROCESS - DESIGN NEGOTIATIONS IN SUCH A WAY THAT WHATEVER HAPPENS I'LL COME OUT BEING RIGHT.

IF SOMETHING DOESN'T GO WELL ITS BECAUSE OF SOMETHING THAT HAPPENED OUT THERE.

IF THINGS GO WELL IT WAS BECAUSE I WAS SO SKILLFUL.

SINGLE-LOOP LEARNING - DO BETTER LEARNING

IF I TRY TO SELL AN ARTICLE OR DEMAND AND FAIL, THEN I GO BACK AND TRY TO SELL A SMALLER DEMAND. IT MAY BE WE TRY TO DO BETTER BUT NEVER REALIZE THAT WE ARE TRYING TO DO THE WRONG THING.

MODEL II

CORE VALUES	STRATEGIES	OUTCOMES
VALID INFORMATION	COLLABORATIVE INFLUENCE (2-WAY STREET)	PUBLIC TESTING
FREE INFORMED CHOICE	COMMUNICATE WHAT IS VALID, RELEVANT AND HELPS LEARNING	TESTABLE PROCESS
INTERNAL CONTROL		DOUPLE-LOOP LEARNING

WHAT'S YOUR NEGOTIATING STYLE?

ADVOCACY			
A D V O	HI	AUTOCRATIC PARENTING DICTATORIAL OPINIONATED EGOCENTRIC PEP TALK	TEAM WORKER NEGOTIATOR COLLABORATIVE (2-WAY STREET)
C A C Y	LO	UNINVOLVED LISTENING APATHETIC TIRED STATUS QUO DELEGATION	GETTING TO GRASS ROOTS NON-DIRECTIVE QUESTIONS INTERVIEW INVESTIGATION IDEA SEEKER

LO ← → HI

I N Q U I R Y

ADVOCACY - TELLING PEOPLE WHAT IS GOING ON IN YOUR MIND

INQUIRY - FINDING OUT WHAT IS GOING ON IN THE OTHER PERSONS MIND

EMOTIONS

- We have not been trained to understand our emotions
- The better we understand our emotions the better we can deal with conflict
- Keep your feet on the ground
- Know the break point for losing your cool
- Be open and direct in reflecting your feelings
- Don't let emotions change, modify or deter you from delivering the message

RAGE/ANGER

- Acknowledge the anger
- Set limits for behavior
- Stay engaged/do not withdraw
- Don't reward or let it serve their cause

BASES OF POWER

AUTHORITY
EXPERTISE
PERSONAL/REFERENT

REWARD
COERSIVE

+ AUTHORITY	-
CONTROL QUICK LEGAL BASE ATTENTION GETTER SIMPLE, DIRECT RATIONAL KNOWLEDGE BASE	NO COMMUNICATION NO OWNERSHIP NO PUBLIC TESTING SINGLE LOOP BAD FEELINGS STIFFLING MANY LEVELS OF STATUS
+ PERSONAL/REFERENT	-
DISARMING REDUCE CONFLICT EXPLORE PROBLEMS EMPATHY DO IT FOR ME	NEVER GETS PROBLEM DIFFICULT TO DOCUMENT ISSUE IS NOT CLEAR TAKE MUCH TIME TO BUILD RELATIONSHIP
+ REWARD	-
MOTIVATIONAL POSITIVE FEELINGS	HARD TO BE FAIR NEEDS OF PEOPLE DIFFER CRITERIA NEEDS TO BE SPECIFIC

CONFLICT IS OFTEN OVER ISSUES OF POWER

NEEDS: POWER
ACHIEVEMENT
AFFILIATION

HOW TO PUT INTO WIN/WIN

NOT EVERY CONFLICT CAN BE PUT INTO WIN/WIN

CAUSES OF CONFLICT

VERTICAL CONFLICT

BOARD

SUPERINTENDENT

PRINCIPAL

TEACHER

STUDENT

- IF PERSON IS ABOVE YOU IT IS MUCH HARDER TO CONTROL THE CONFLICT.
- THE PERSON WITH POWER MAY NEED TO MOVE OUT OF OFFICE TO DEAL WITH THE CONFLICT.
- THERE IS A NEED TO BUILD A RELATIONSHIP BEFORE YOU CAN DEAL WITH CONFLICT.

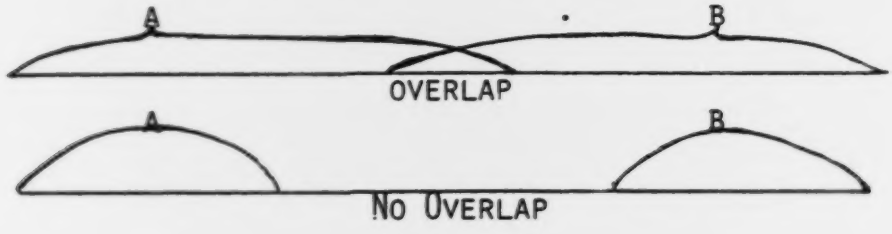
QUESTIONS

- WHAT DO YOU MOST WANT FROM THAT PERSON?
- WHAT DO YOU MOST WANT TO GIVE THAT PERSON?
- WHAT CAN I DO TO RESOLVE THIS CONFLICT?

DON'T EVER TAKE AWAY A CONFLICT THE OTHER NEGOTIATOR MAY WISH TO KEEP.

CAUSES OF CONFLICT

- VALUES - WE HOLD
- IDENTITY - IF YOU PUT DOWN THE OTHER PERSONS IDENTITY
- TERRITORY - IF YOU INVADE THE OTHER PERSONS TERRITORY
- PROCEDURES - PROTECT THE POWER OF THE OTHER NEGOTIATOR
- ALLOCATION OF RESOURCES
- LACK OF STRUCTURE - FIND THE OVERLAP TO GET AGREEMENT



- COMPETENCY - TOO MUCH COMPETENCY CAN CAUSE CONFLICT. THE NEGOTIATOR IS TOO GOOD - NEED TO GIVE THE OTHER SIDE A CHANCE TO REJECT SOMETHING.

DEFENSIVE VS. SUPPORTIVE CLIMATES

CREATES DEFENSIVE CLIMATES

1. EVALUATION
   - Appraising
   - Accusing
   - Judgmental
   - Indoctrinating
   - Correcting
2. CONTROL
   - To change
   - To influence
   - To restrict
   - Persuade
   - Threaten
3. STRATEGY
   - Oneupmanship
   - Maneuvering
   - Gamesmanship
4. NEUTRALITY
   - Apathetic
   - Passive
   - Considered object, not person
5. SUPERIORITY
   - Does not desire relationship
   - Does not desire feedback
   - Does not desire help
   - Make dependent
6. CERTAINTY
   - Dogmatic
   - Teacher, not co-worker
   - Conformity

CREATES SUPPORTIVE CLIMATES

1. DESCRIPTION
   - Genuine requests for information
2. PROBLEM ORIENTATION
   - Continuing Redefinition
   - Mutual problem
   - Cooperative quest
   - Common task
   - Plan with, not for
3. SPONTANEITY
   - Uncomplicated motivations
   - Straightforward
   - Free inter-action
4. EMPATHY
   - Acceptance
   - Identify with problem
   - Share feeling
   - Opens his/her emotional reaction
   - Understanding
   - Confidence
5. EQUALITY
   - Mutual respect
   - Mutual trust
   - Permit growth & maturing
   - Mutuality
6. PROVISIONALISM
   - Willing to experiment
   - Willing to investigate
   - Creative
   - Innovative
   - Accept feedback
   - Flexible

Negotiations is not a game and it is not a war. It's goal is not a dead competitor, it's goal is a "FAIR AGREEMENT".

THE PROCESS IS AS IMPORTANT AS THE PRODUCT - "BEAR DANCE"

SKILLS NEEDED FOR MANAGING CONFLICT

1. Listening - is most important
2. Body Language - verbal and non-verbal
3. Paraphrasing
4. Feedback - positive and negative
5. Analyzing
6. Trustworthy - be able to establish trust relationships
7. Creative - frame demands in creative fashion
8. Acceptance of others point of view
9. Self Awareness
10. Self-disclosing
11. Confronting - hard nose nice guy
12. Withhold judgment

NEGOTIATIONS - CONFLICT MODEL VS. COOPERATIVE MODEL

BOLWERISM - 1ST BEST OFFER IS LAST BEST OFFER - GENERAL ELECTRIC CO.

CONFLICT MODEL - INDUSTRIAL MODEL - BASIC BELIEFS - WIN AT ANY COST - ASK FOR THE MOON

1. CONFLICT MODEL - EXISTS WHEN INCOMPATIBLE ACTIVITIES OCCUR - DIFFERENCE IN INFORMATION, BELIEFS, VALUES, INTEREST OR DESIRES

2. CONFLICT IS GENERATED ALMOST CONSTANTLY TO MOVE ADVERSARIES.

3. PROGRESS IS MOST RAPID WHEN CONFLICT IS HIGH AND ONE SIDE HAS BEEN DISTURBED BY THE POWER SHIFT.

4. THE CARDS ARE STACKED IN FAVOR OF THE OTHER SIDE AND LAWS OF FAIRNESS MUST BE BROKEN TO PROTECT YOURSELF, THE DISFAVORED.

5. EMPLOYEES AND MANAGEMENT HAVE INCOMPATIBLE OBJECTIVES SO THAT EACH SIDE MUST BE VIEWED AS AN ADVERSARY AND BE MET WITH DISTRUST.

6. SCHOOLS WOULD BE BETTER IF THE OTHER SIDES POWER WERE REDUCED AND OURS INCREASED.

7. WHAT IS GOOD FOR US IS GOOD FOR CHILDREN.

BASIC PHILOSOPHY

EVERYONE HAS A NEGOTIATION PHILOSOPHY AND OUR PHILOSOPHY DETERMINES WHAT ALTERNATIVES WE WILL CHOOSE IN THE NEGOTIATION PROCESS.

"DO UNTO OTHERS AND RUN"
(WIN/LOSS)

"ACT SO AS TO BRING OUT THE BEST IN OTHERS, AND THEREBY IN ONESELF"
(WIN/WIN)

USEFUL FUNCTIONS

1. PREVENTS STAGNATION - STIMULATES INTEREST
2. MEDIUM FOR PROBLEM SOLVING
3. ROOT FOR SOCIAL CHANGE
4. TESTING GROUND FOR PERSONAL POTENTIAL
5. EMPLOYEES GET POWER AND BETTER SALARIES, ETC.

PHILOSOPHIES

CONSIDER THE CONSEQUENCES OF EACH PHILOSOPHY (ARRANGED IN AN APPROXIMATE ORDER, FROM LIMITED TO WIDE SCOPES OF APPLICATIONS):

1. AN EYE FOR AN EYE, A TOOTH FOR A TOOTH. *HAMMURABI*

2. HE SOUGHT FOR OTHERS THE GOOD HE DESIRED FOR HIMSELF. *EGYPTIAN BOOK OF THE DEAD*

3. REQUITE INJURY WITH KINDNESS. TO THE NOT-GOOD I WOULD BE GOOD IN ORDER TO MAKE THEM GOOD. *LAO-TSE*

4. WHAT YOU WOULD NOT WISH DONE TO YOURSELF, DO NOT UNTO OTHERS. *CONFUCIUS*

5. ONE SHOULD SEEK FOR OTHERS THE HAPPINESS ONE DESIRES FOR ONE'S SELF. *BUDDHA*

6. DO NOT THAT TO YOUR NEIGHBOR WHICH YOU WOULD TAKE ILL FROM HIM. *GREECE*

7. THE TRUE RULE OF LIFE IS TO GUARD AND DO BY THE THINGS OF OTHERS AS ONE WOULD BY HIS OWN. *HINDU WRITINGS*

8. LOVE THY NEIGHBOR AS THYSELF. *OLD TESTAMENT*

9. WHATEVER YOU DO NOT WISH YOUR NEIGHBOR TO DO TO YOU, DO NOT THAT TO HIM. *HILLEL, IN THE TALMUD*

10. DO AS YOU WOULD BE DONE BY. *ZOROASTER*

11. ALL THINGS WHATSOEVER YE WOULD THAT MEN SHOULD DO UNTO YOU, DO YE EVEN UNTO THEM. *JESUS, IN NEW TESTAMENT*

12. THE LAW IMPRINTED ON THE HEARTS OF ALL MEN IS TO LOVE THE MEMBERS OF SOCIETY AS THEMSELVES. *ROMAN*

13. LET NONE OF YOU TREAT HIS BROTHER IN A WAY HE HIMSELF WOULD DISLIKE TO BE TREATED. *MOHAMMED, IN THE KORAN*

14. CHOOSE THOU FOR OTHERS WHAT THOU CHOOSETH FOR THYSELF. *BAHA'U'LLAH, IN BAHA'I SCRIPTURES*

15. DO UNTO OTHERS AS YOU WOULD HAVE OTHERS DO UNTO YOU.

16. DO UNTO OTHERS AS THEY WOULD HAVE DONE UNTO THEM. *ANDREW HALEY*

17. THE HIGHEST SERVICE WE CAN PERFORM FOR OTHERS IS TO HELP THEM TO HELP THEMSELVES. *HORACE MANN*

18. YOUR BEST FRIEND IS HE WHO BRINGS OUT THE BEST THAT IS IN YOU. *HENRY FORD*

19. ACT SO AS TO BRING OUT THE BEST IN OTHERS, AND THEREBY IN ONESELF. *FELIX ADLER*

20. THOU SHALT NOT KNOWINGLY WARP THE FUNCTIONING OF ANY NERVOUS SYSTEM. SO ACT AS TO MAKE THYSELF A BETTER TIME-BINDER; SO ACT AS TO ENABLE OTHERS TO USE THEIR TIME-BINDING CAPACITIES MORE EFFECTIVELY. *HARRY WEINBERG (GENERAL SEMANTICS)*